PADDY NOLAN -Biographical

3 copies made

Lawyers and Laymen of Western Canada.

PATRICK JAMES NOLAN

SOMEWHERE in the ocean of print, a poet imagines that there hangs at the end of every man's thread of life, a medal bearing his name. When death's shears cut his thread of life in twain, this medal falls into the River Lethe, and time loses all trace of him -- unless he is of the fortunate few whose medals are caught, in midair, by swans, and rescued from the the waters of oblivion.

In Western Canada there have been many of these medals worthy of rescue. But where have been the swans? In our vast Canadian West, men of giant stature, in every field of endeavour, have lived and died and now no permanent memorials of their lives remain. The deeds and dreams, embalmed in the pages of print. And, indeed,-- unless a swan has the scientist's touch and can put together a personality from a handful of isolated facts -- they never will be, if someone does not dip into the inkpot soon.

The profession of the law alone can boast of men worthy of the consideration of any swan. In proof of our point: where could a swan find a better subject than Paddy Nolan, K. C., the colourful criminal advocate of Calgary's early days?

A day or two after Paddy Nolan's death, the Calgary Herald said of him: "His remarkable skill as a barrister, his marvelous and never-failing wit, his pungency of criticism and his warmth of praise, have been known these many years. Stories of him are told around the world, each one testifying to the breadth of his Irish kindness, and to the marvelous flow of his humour.

Stories of Paddy Nolan, stories saturated with the perfume of his rare and subtle personality, used to be current throughout Canada -- from Vancouver

to Halifax. But they have been left to the hazards of human memory. They have not been imprisoned in the permanent chains of print. Thus, while in his lifetime, Paddy Nolan's fame extended far and near; today, a new generation has arisen that knows him not. . . .

Paddy Nolan was born in Limerick, in the south of Ireland, on St. Patrick's Day, 1864. He was christened "Patrick James" but being a boy with the warmth of sunshine in his heart, and the sparkle of good humour in his eyes, he was not called "Patrick James" very long. There soon came to him the compliment of the familiar name, Paddy, and this name stayed with him all through his life.

Paddy Nolan received his preliminary schooling at Sacred Heart College in Limerick. He completed his formal education at Dublin University, the Royal University of Ireland, and London University. He was an honours graduate in classics, from the Royal University. At Trinty College, Dublin, where he was graduated bachelor of arts and bachelor of laws, he won a gold medal for oratory. Eloquence has touched the lips of the Irish with its wand: surely, it was no mean accomplishment, this of Paddy Nolan's, to win a gold medal for oratory in a land amongst other great forensic giants, John Philpot Curran, Lord Plunket, Richard Lalor Sheil and Charles Philips.

It was his success in oratory that encouraged him to join the profession in which his great gifts of speech could be put to best advantage. Called to the Irish Bar in Hilary Term, 1885, he joined the Munster Circuit and for four years followed his profession in the land of his birth. As the years slipped by on restless feet, he was forging steadily aheadyat the Irish Bar, but his was not the disposition of a contented stay-at-home. From across the ocean, adventure kept calling, calling to him, and in his twenty-fifth year, he answered its call. Coming to Canada, he settled in Calgary, then a thriving infant-town of great promise, on the edge of a new frontier.

Why he settled in Calgary -- he used to say that he never knew. It was more a matter of accident than design. He was called to the Bar of the North-West Territories in 1889, his name being the ninth to be written on the roll of advocates of the North-West Territories.

For a short while after his arrival in the West, Nolan was editor of the Calgary Herald. Editing a newspaper in the West in those days was no slight undertaking. It was nothing unusual for an editor to have to put together his whole paper himself with the aid of his pen and a pair of scissors. He had no news-gathering agencies, with inquisitive antennae reaching into the four corners of the earth, such as has the editor of today. News from the outside world reached him at irregular intervals, and then only in small dribbles. Paddy Nolan used to enjoy telling how he once published a "full report" of a speech made in Parliament by Sir Richard Cartwright. There came to him over the wires the bare bones of the speech, and he locked himself in his office for seven hours while he covered these bones with flesh in the best tradition of Charles Di ckens.

After a brief interlude as editor, Nolan gave his time and attention to the law, but he never lost his love for the smell of printer's ink. He was born with a nose for news and the gift of telling a good story. He could pour the ancient vintage of the old, shop-worn tales into brand new bottles. Colonel G. C. Porter, of Winnipeg, who was a personal friend of his in the early days, says that Nolan could talk about a barber's pole and make an absorbing tale of it.

Colonel Porter was editor of the Calgary Herald from 1904 to 1906. In speaking of those old days, he says that he used to call Paddy Nolan his first associate editor because Noaln gave him so many good stories which he had picked up while travelling about the West in connection with his work at the Bar.

By no means a profound lawyer, yet his readiness of wit and quickness of repartee, his infinite store of good spirits, and his skill in introducing a note of humour or ridicule into the most serious situation, soon brought Paddy Nolan the reputation of being one of the most skilful advocates in the North-West Territories. Before long he came to be looked upon as one on the institutions of the West.

Ottawa early contracted the habit (it still retains) of appointing Royal Commissions to enquire into various social and economic infirmities that cry aloud for attention. While these commissions have generally a fruitless harvest, they have ever been the lawyer's gain. Some of Paddy Nolan's first work in his profession was before the Royal Commissions appointed to enquire into the early problems of the west. It was not a class of work for which he had any great liking. After he had made those adjustments, which everyone coming to Western Canada from the Old Land must make, he began to give his time to the legal work for which both nature and inclination had best fitted him. He specialized in criminal defence work. Except for actions for libel and slander, breach of promise of marriage, and damage claims for personal injuries, he never attempted much in the civil line. He was first and foremost a jury advocate. While he never shirked any tribunal before which his work took him, he was only completely at his ease and master of his case when appearing before a jury.

Paddy Nolan practised chiefly in the courts of the North-West Territories, and in those of the Provinces of Alberta and Saskatchewan when these Provinces were carved out of the North-West Territories. His reputation was quickly made in the West but was of slower growth in the East. Before his death his fame had extended to New York City, where he came to be regarded as one of the greated of criminal advocates.

It was Nolan's iron rule to gain a complete mastery of the facts of any

case in which he was concerned. He seldom gave a close study to the law of his case. Once, in a half-serious, half-jesting mood, he excused his habit of giving little attention to his law thus, "The judges are supposed to know the law, and that is what they are paid for!"

If a point of law came up during a trial, Nolan would take shelter behind his junior. He expected the junior to be posted on any point that might arise. He believed in division of labour and it was the junior's job to argue all questions of law. If the junior got twisted in his argument, Nolan would hasten to his rescue with his ever-fluent wit, and pass off the situation without bad feeling.

Paddy Nolan was the idol of the Junior Bar. To follow in his footsteps used to be the ambition of nearly every young lawyer of the West. To be junior to him in an important case was to have arrived in the legal profession. He never tried to steal the show. Large-hearted and free from envy, he would always go out of his way to give a junior an opportunity to show his metal. When opposing a young man, he never purposely embarrassed him. He would pass that irrepressible wit of his in other directions.

The farmer has a saying that the size of an acre depends upon who farms it. The lawyer could say with equal force that the size of a criminal trial depends upon who conducts the defence. A criminal trial with the defence in the hands of Paddy Nolan was never a small affair. It could always be relied upon to attract a capacity house no matter how ordinary the charge against the accused.

Paddy Nolan was once defending a man charged with the theft of a steer from the ranch of W. R. Hull, a wealthy rancher of Calgary, whose cattle ranch was situated near Claresholm, some seventy miles south of Calgary. Hull knew nothing whatever of the facts of the case, but was called as a Crown witness simply to prove his ownership of the stolen steer. He was a delf-made man

He was a

and took a justifiable pride in the success he had made of his life, never passing up a chance to talk about himself. There was no need to cross-examine Hull, but Nolan could not resist the temptation of taking a rise out of him.

Nolan launched his cross-examination with the question, "I believe you are one of the largest ranchers in Alberta, Mr. Hull?"

"Yes, Mr. Nolan, I believe I am," was Hull's reply.

"And where are your headquarters, Mr. Hull?" asked Nolan.

"In Calgary, Mr. Nolan," replied Hull.

"And where are your hindquarters, Mr. Hull?"

Thinking only of his ranch, Hull replied, "In Claresholm, Mr. Nolan."

"Well," said Nolan, "if your headquarters are in Calgary and your hindquarters are in Claresholm, you are certainly the very largest rancher in Alberta."

On one occasion, Paddy Nolan asked the court for the exclusion of all Crown witnesses. Counsel for the Crown requested that one witness, a member of the Calgary Bar, be allowed to remain in the courtroom. This witness was a mite of a man, being something under five feet in height and slightly made. Altogether he presented a most insignificant appearance. Nolan looked him over slowly, then turning to the court said, "I have no objection whatever My Lord, to this witness remaining in court upon the principle of the old legal macim, De minimis non curat lex. The law does not concern itself with trifles."

It was such spontaneous flaskes as these that endeared Paddy Nolan to the hearts of courtroom fans.

Shortly after h

Shortly after his appointment to the Bench, the Hon. Horace Harvey, Chief Justice of Alberta, tried a civil action in Calgary between the late I. S. G. Van Wart, as plaintiff, and a man by the name of Richardson, as defendant. At the time of the trial, Van Wart was in business for himself but shortly afterwards he was appointed sheriff of Calgary. He was represented by Mr. Clifford T. Jones, K.C., of the Calgary Bar. Richardson gave evidence on an important phase of the case and was contradicted by several witnesses for the plaintiff. Chief Justice Harvey called attention to the serious contradictions between the testimony of the defendant and the testimony of the plaintiff's witnesses, and Richardson was placed on trial for perjury. Paddy Nolan appeared for the degence. To those watching the case, it seemed that a conviction was inevitable, but they were not taking into consideration the cleverness of Paddy Nolan. He cross-examined Sheriff Van Wart in his best manner and finally had him on material points and making mistakes in fact far worse than the accused had done. They jury almost split their sides with laughter and the judge had to order the case withdrawn from them. For the next few days Sheriff Van Wart seemed afraid that he himself might be faced with a charge of purjury.

In Moose Jaw, Paddy Nolan once appeared in defence of a man charged with an indecent assault upon a young girl. When they learnt that he was to defend, Crown authorities paid him the tribute of briefing that formidable forensic giant, R. A. Bonnar, K.C., of Winnipeg, for the prosecution. Bonnar took the complainant through her evidence with great tact. She told a convincing story, saying that she had been sent to fetch a pail of milk and that while on her way home, as she was passing a building in a deserted district, the accused had rushed out and assaulted her.

In his cross-examination of the girl, Nolan asked, with a guileless smile, "And how much milk were you sent to get?"

"A gallon," she replied.

"And what was the size of your pail?"

"It was a gallon pail."

"Did you have a lid or cover of any sort?"

"No, it had no cover at all."

"Your milk must have pretty well filled the pail?"

"It was filled to the brim."

"And when you arrived home after meeting the accused, how full was your pail then?"

"Why, it was still filled to the brim."

Nolan's summing-up of the case was brief and to the point. "Gentlemen," he said, "this young woman says that she lost her virtue, but saved her milk. What do you think about it?" By their verdict, the jury made it clear that they did not think much of the girl's story.

For many years Paddy Nolan and the Hon. Arthur L. Sifton (before his appointment, in 1903, as Chief Justice of the North-West Territories) occupied adjoining offices. Nolan appeared for the defence and Sifton for the prosecution in most of the important criminal trials of their day. When opposing each other, their methods of preparing for a trial were unique. Neither of them made any great use of the law library, but a few days before a trial they could be found in each other's quarters, leaning back in the old office chairs with their feet on the window sills, talking as if they hadn't a care in the world. Butbeneath their pleasant chatter there was a subtle undercurrent. They were sizing up each other

other in the hope that one might reveal to the other what he had up his sleeve. Whenever they crossed swords in court there was always a battle royal, but out of court they were the best of friends. They might in truth have sung the old rhyme of Judge Robert Grant:

> "No quarrels have we of our own, we mamage others' broils;
> And though we fight with all our might, we've buttons on our foils;
> We scratch, a brother lawyer's eyes until they're out, and then
> We go to dine with him that night and scratch them in again."

Before the days of motor-cars, members of the Bench and Bar when going on circuit had to suit their convenience to the railway timetables. Often they would have to catch a train in the middle of the night. Paddy Nolan was always the life of the circuit. He would assemble a group of lawyers in his room and keep them entertained until train time. No matter what the hour, it never occurred to him to go to bed himself and he would not hear of anyone else doing so. His wit was a well that never ran dry. His stock of stories (some of them slightly blue in colour) seemed inexhaustible.

There came to be a rivalry between the judges and the lawyers on circuit as to whom should have the company of Paddy Nolan. It generally worked out that Nolan spent the earlier part of the evening withthe judges and the "small wee hours" with the lawyers.

When the Hon. Arthur L. Sifton was appointed to the Bench he missed the companionship of his old friend and forman in arms. Chief Justice Sifton took his judicial duties very seriously, never joking while on the Bench. Indeed, he seldom said a word about anything, and never an unnecessary word. His judgments were brevity itself. When presiding in the smaller towns, he used to delight in getting in touch with Paddy Nolan to exchange a few yarns with him. He once remarked that he would have found circuit life intolerable, what with the endless waiting for trains, had it not been for Paddy Nolan.

In the '90's of the old century there was a regular epidemic of cattle rustling in the North-west Territories. Paddy Nolan invariably appeared in defence of accused persons who came to trial charged with the theft of cattle. Not many of his clients were convicted. Things came to such a pass that the members of the Stockmen's Association put their heads together and concluded that nothing could be done to check the cattle thieves as long as Nolan was available for the defence. They therefore decided to take him out of circulation by appointing him special prosecutor for the Association. With Paddy Nolan prosecuting convictions became frequent, but he was not happy when engaged as a prosecutor. He soom returned the retainer of the Stockmen's Association and went back to his defence work.

On one occasion at Macleod, Alberta, Nolan was prosecuting a man on a charge of cattle stealing. He made out a very strong case against the accused, but the presiding judge said that he had a "reasonable doubt" of the ptisoner's guilt and so returned an acquittal. After the trial Nolan boarded the north-bound train for Calgary. Settling himself comfortably into his seat, he let his mind dwell on the judge's verdict. His well-filled valise protruded into the aisle. The judge took the same train and in passing do n the aisle stumbled over Nolan's valise. When he recovered his balance, he recognized Nolan and remarked upon the size of the baggage. "It is full of reasonable doubts, Your Lordship," said Nolan, glad of the chance to get a gentle dig at the judge.

Nolan was returning to Calgary from Maple Creek, Saskatchewan, after the successful defence of a client charged with cattle stealing, when a friend complimented him on his handling of the trial and inquired what sort of fee he charged for such a heavy case. "My friend," said Nolan, "When I became a member of that profession of which I am now such a noble ornament, I made

I made a resolution then, from which I have never since departed, that I would never take from any man any more than he had."

Bob Edwards, one of the old brigade of splendid sinners of the West, a man whose brilliant mind sometimes lacked a balance wheel, in the days when he edited the Calgary Eye-Opener, once rushed into Nolan's office in a state of great excitement. " Patrick," he said, "I want to go on a holiday. In fact I must fo on a holiday. Things are gettimg me down and I must get away from them for a while. But I have no money. I want you to advance me enough to take a holiday."

Nolan eyed him closely for a moment, and then remarked, "Sure, Bob, I will be very glad to give you money to go on a holiday just as soon as I get back from my own holiday."

"When are you going on yours?" asked Edwards expectantly.

"Just as soon as a client comes in with a good lawsuit," said Nolan, as a smile like summer-lightning flasked across his face.

In the Eye-Opener, in what he called a minority report, Bob Edwards once referred to Paddy Nolan as one of the seven wonders of the world.

Nolan once defended a poor widow who was charged with conducting a lottery. She had been left practically penniless and in order to raise a few dollars attempted to dispose of her husband's watch by a raffle. A few days before the case came on for hearing, Nolan went to the judge who was to preside over the trial, and told him such a tale of woe as to the woman's pitable condition that the judge, knowing nothing of the charge then pending against her, out of pure compassion bought two tickets for the raffle. At the trial the charge against the woman was proved beyond a doubr. Nolan directed his argument at the heart of the judge. "Your

Honour knows full well," he said, "the danger of these lotteries, and how even the best intentioned people in the community fall victim to them and out of sheer sympathy for theur object commit offences by buying tickets in them, as no doubt Your Honour has done on occasion yourself." His audacity was rewarded by a suspended sentence for his client.

The cause celebre with which the name of Paddy Nolan is inseparably linked is the trial of Ernest Cashel for murder.

Cashel was a Wyoming cowboy who fled to Canada from the United States with a sheriff's posse at his heels. He was first heard of in the North-West Territories around Red Deer where he was spending a winter with an old-timer of the district. One day he made a visit to the bank in Red Deer and had a hundred-dollar bill changed into smaller bills. His hundred-dollar bill had a peculiar blue smudge on one corner and the cashier recognized it as a bill he had paid to the old-timer some weeks before. "Where did you get this bill?" he asked Cashel, purely to satisfy his own curiosity. Cashel told him that he got it from the man with whom he was living.

Shortly afterwards Cashel disappeared from the Red Deer district. He turned up some time later in Calgary where he passed a "rubber" cheque which brought him to the notice of the police. A warrant was issued for his arrest but he could not be found in Calgary. The North-West Mounted Police were given the warrant and they finally picked him up in Moose Jaw. As the police were escorting him back to Calgary, he jumped through the window of a moving train and escaped.

Meantime some neighbours of the old-timer had paid a visit to his shack and had been unable to find him. They made inquiries in Red Deer and when they could learn nothing as to his whereabouts, they enlisted

the services of the police in their efforts to locate him.

The story of Cashel's daring escape, together with his picture was published in the Calgary Herald and, in due course, a copy of the Herald came in the hands of the cashier in the bank at Red Deer. Recognizing Cashel as the man for whom he had changed the hundred-dollar bill, a suspicion came into his mind and he went to the authorities.

The police were still searching for Cashel when the spring breakup came and the old-timer's body, bearing marks of violence, was found in the Red Deer River. A warrant was sworn out for Cashel's arrest on a charge of murder and the search for him was intensified.

Cashel was finally found on a ranch in Saskatchewan. He was tried in Calgary, with Paddy Nolan defending. The evidence for the Crown was purely circumstantial. Into the scale against the prisoner was put his unsavoury reputation, the evidence of the bank clerk, and evidence to the effect that Cashel had sold some of the personal belongings of the old-timer. And what was there to put in the scale for Cashel? Very little, but Nolan made the most of that little. He demonstrated his ability in fighting an uphill battle and won nothing but praise for his handling of the case.

Cashel was convicted and sentence of death was passed upon him. Nolan hastened to Ottawa in an attempt to get a new trial for his client. While he was interviewing the Minister of Justice, a telegram was handed to him. After reading the telegram, he said to the Minister, "Never mind the new trial, my client has escaped. They will never catch him again."

Cashel had escaped indeed. The night before he was to have been hanged, his brother smuggled him two six-shooters, with which he held up the three policemen who were standing watch over him in the death cell, and broke jail under their very noses.

Nolan almost proved a true prophet when he said that his client would not be caught again. For weeks Cashel was at large, preying upon the ranchers who lived in the district around Calgary, always a jump ahead of the police. He took what food he needed at the point of a gun. Several times he was eating at ranch houses when the police called to make enquiries as to whether he had been seen. At such times he would put his pistol to the head of the rancher's wife, and say, "One word about me from anyone and I will pull the trigger."

He was run to earth at last hiding in the cellar of a ranch house. Police had to set fire to the house before they could capture him. During his weeks of playing hide and seek with the police, his appearance had changed almost beyond recognition. He looked more like an emaciated hermit than a well-fed cowboy. Dirt was caked on him in great layers, and his hair was growing way down his back.

When he was captured he made one fatal mistake. In answer to a question put put to him by the police sergeant he admitted that he was Ernest Cashel. In view of his changed appearance, he had to be tried a second time and this admission was his undoing. Had he kept a padlock on his lips, sufficient doubt might have been thrown on his identity to have secured his acquittal, so changed was he from the Cashel of the first trial.

Sentence of death was passed upon Cashel a second time and he was hanged. On the night of his execution, Paddy Nolan was playing a game of billiards in the Royal Hotel in Calgary. While the game was in progress, who should walk into the billiard room but the hangman. At once Nolan took after him with his billiard cue, chasing him around the tables several times. Had he caught him, the poor hangman would have received a severe trouncing; but he was finally restrained by spectators, while the hangman beat an inglorious retreat.

The case that Nolan regarded as his greatest forensic triumph was one of the last he ever tried, the case of Collard v. Armstrong, an action for breach of promise and seduction. In this case he was able to wring from the jury a verdict of twenty thousand dollars damages. To get a verdict for twenty thousand dollars from an unsophisticated, hard-headed Western jury in such an action -- no wonder Nolan was pleased with himself! The defendant appealed the verdict to the Supreme Court of Alberta. Nolan had no part in the appeal, for death came to him a few months before it could be heard. On the hearing before the Supreme Court, counsel for the plaintiff abandoned all that amount of the verdict in excess of six thousand dollars.

In speaking of Paddy Nolan's qualities as an advocate, the truth demands that we speak in superlatives. No matter where his lines had been cast, he would have come to the top. While he owed his success in the forensic ring chiefly to his skill in handling witnesses, he was competent in every branch of advocacy. The swiftness and reach of his mind, the light, feather-like touch of his fancy, and the magnetism of his personality -- these contributed to his success with witnesses, but his wit was the most deadly arrow in the quiver of his forensic talents. Wit has a very real place in a courtroom battle. "At the back of this little word 'wit'" says Sir Edward Parry, in the Seven Lamps of Advocacy, "lies the idea of knowledge, understanding, sense. In its manifestations we look for a keen perdeption of some incongruity of the moment. The murky atmosphere of the court is illuminated by a flask of thought quick, happy, and even amusing. Wit, wisely used, bridges over a difficulty, smooths away annoyance, or perhaps turns aside anger, dissolving embarrassment in a second's laughter."

Paddy Nolan used his wit wisely. Were it needed, his experience confirms the truth of Sir Edward Parry's apt words. Nolan's wit saved him from many a tight corner in court. It enabled him to woo and win even the most forbidding jury when he had a fighting chance for his case.

When asked what he thought of himself, the philosopher replied, "very little when I judge, a great deal when I compare." It is only by comparison that we can arrive at a true and just estimate of a man. The tallest tree of the forest loses something of its great height when its tall neighbors fall before the axe. In his special field of criminal defence work, Paddy Nolan will stand comparison with any advocate. past or present. Indeed he needs comparison to make his forensic greatness appear.

With whom shall we compare him? With Montague Williams, the pride of Old Bailey? Yes, in knowledge of human nature. With Earl Rogers, the brilliant criminal lawyer of California, half-genius and half-mountebank. Yes, in legitimate showmanship. With that prince of humorists, Sir Frank Lockwood? Yes, in nimbleness of wit. With the beloved Marshall Hall, whose memory England cherishes? Yes, in warmth of personality and broad human sympathy. With Sir John Simon? Not in learning, but in the interest with which he could invest a case.

At a banquet given in his honour by the Calgary Bar Association on the eve of his departure for England, Rt. Hon. R. B. Bennett referred to Paddy Nolan as the greatest jury lawyer he had ever met. Praise owes its value to the qualifications of the man who bestows it. Mr. Bennett has met most of the great lawyers of the English-speaking world. He is a great lawyer in his own right. Praise from him is praise indeed.

While he was writing his biography of Dr. Johnson, Boswell was begged to mitigate some of the asperities of the rough diamond whom he was seeking to portray, life-sized, in his pages. He replied in scorn that he would not cut off Dr. Johnson's claws nor make the tiger a cat to please anybody. Brave Boswell! to set himself thus against the tendency of biographers to say nothing but good about their subjects.

Were he living, Paddy Nolan would not thank anyone to cut off his claws. What he seemed to be, he was. He was honest with himself. He never mourned for that dead brother of his, the man he might have been had he always done the right thing and made the most of every opportunity. He had the fault -- or was it a fault? -- common to many of the restless life-hungry, adventure-seeking spitiys of the west of his day. Sometimes he cast down the gates of abstinence and wobbled a step or two from the straight and narrow path which the Puritan treads. He was the first to admit his failing. Towards the end of his career, he formed a partnership with a young lawyer named Eaton under the firm name of Nolan and Eaton. He once remarked, with subtle but humorous reference to his love of the good things of the flesh, that he thought a better name for thefirm would be Drinkin and Eatin.

In court, Nolan was once asked by the presiding judge how many oats he thought it would take to fill a certain bucket which had been brought into the case as an exhibit. He replied with sly wit, "I don't know anything about dry measure, Your Lordship."

As Dr. John W. Defoe says, "Every human life is a two-page ledger; the contrasting records must be appraised and a balance struck if justice is to be done." In the final audit of Paddy Nolan's life a substantial balance appears in the credit column. He was a large-hearted, human Irishman; with a great capacity for enjoying life, but a scrupulous faculty for keeping off the toes of others. Through the dross of his faults and follies there ran a vein of the purest gold. Mary Wollstonecraft had a rule of life which she once expressed something like this: Harm no living thing and give happiness. Nolan fashioned his conduct on this rule, working it into the pattern of his every day life. He never deliberately said an unkind word nor did an unkind deed. There was a strain of Goldsmith in him. His purse, his talent, his sympathy, were ever at the beck and call of a less fortunate person.

Paddy Nolan once aspired to a seat in the Legislature of the North-West Territories but went down to a most decisive defeat and never again paid his court to Misstress Politics. Though not born to the manner of the politician, he could make a splendid stump speech and was a prolific vote-getter when campaigning for someone else.

Nolan was once electioneering for the Hon. Arthur L. Sifton then Minister of Public Works, in the government of the North-West Territories. Sifton's constituency was in southern Alberta where a number of important mining centres were located. During this period of his life, Sifton was an ardent prohibitionist. He did not take a drink himself, now would he buy one for anyone else to talk. A political candidate who hoped to get the miners' votes had to be one of the boys; he had to bend the knee and crook the elbow to the time-honoured tradition of inviting the miners to have a few drinks at his expense.

Nolan went into one of the mining towns a few hours ahead of Sifton and gathered as many miners as he could into the principal bar. After setting up a couple of rounds of drinks, he said, "Boys, you know Sifton is to speak here tonight. He is a fine fellow but he has one failing that I fear may cost him many votes. It is this" -- and he gave the signal for another round of drinks -- "Yes, it is this," he continued sadly, "he has been dreaming about a night with the boys ever since the campaign started, but he doesn't know where to stop, and I have had a devil of a time keeping him straight. If you boys will help, I think we can pull him through the meeting. I want you to see that no one asks him to take a drink, for if anyone asks him he can't refuse and if he takes one drink, the Lord knows where he will stop." Of course there was no resisting this appeal especially when it was made by such an advocate as Paddy Nolan. Sifton's meeting was a huge success, and at the election he polled an overwhelming majority in at least one mining town.

In after dinner talk,
Across the walnuts and the wine --

Paddy Nolan had no rival in the West. His after-dinner speeches were rare souffles of wit and whimsy, flavoured with a fragrance of the philosophy of Horance and old Omar. After the passage of a quarter of a century his reputation as an after-dinner speaker still survives, though it has been nourished only on the insubstantial stuff of memory, these twenty-five years.

At a dinner given in Calgary by the late Senator Pat Burns to the Empire Press Conference, one of the speakers described a trop which a party of pressmen had made through Europe. In detailing the different countries which the party had visited, he would up his remarks by saying that it had gone through Austria-Hungary. Paddy Nolan was the next speaker called upon. Rising leisurely from his chair, he passed his eyes over the banquet table which fairly groaned beneath the weight of the feast spread upon it, and remarked in his humourous way, "These gentlemen may have gone throu h Austria hungry, but Pat Burns has evidently made up his mind that they will not go through Calgary hungry." Later in the evening, the speaker, whose remarks had supplied the tinder for Nolan's wit, said to him in all seriousness that Austria-Hungary was the name of a dountry in Europe that the newspapermen had really suffered no privation while travelling there.

Paddy Nolan once attended a Knights of Columbus conference in New York City. At the time his fame had not spread so far afied as New York; he was down on the order papers simply as P. J. Nolan, K.C., delegate from Calgary. As a matter of courtesy, he was invited to have an address. He was in his best form; his wit was sharpened to a razor's edge and his fancy soared on eagle's wings. When he finished speaking, the question on everyone's lips was "Who is this brilliant fellow who has stolen the show?" Newspapermen made it their business to find out. Next day they chased him all over New York and

splashed his name and picture across the front pages of their papers. A writer in the New York Sun devoted a column and a half to "P. J. Nolan, K.C., of Calgary (wherever that may be)."

Paddy Nolan was cast in a generous physical mould. He was a handsome man, with clear-cut features and a fine figure. A man of electric personality, he seemed to radiate magnetic waves. No one could come into close contact with him without feeling the physical ef ect of his magnetism. He has been compared to Sir Wilfrid Laurier in this respect. It will be remembered that A. G. Gardiner has written in one of his brilliant pen pictures that Sir Wilfrid Laurier, because of that elusive quality of personal distinction which he had in such ample measure, next to the aged Queen herself, was the figure greeted with the most enthusiasm at Queen Victoria's Diamond Jubilee.

Paddy Nolan bore a striking resemblance to the Hon. R. Mayne Daly, one time Minister of the Interior, later a police magistrate in Winnipeg. The resemblance between Nolan and Daly led to their being frequently mistaken for each other. When Daly was Minister of the Interior, he was once approached by an irate farmer who asked him why he was not attending to his lawsuit. Realizing that the farmer had mistaken him for Nolan, Daly thought that he saw an opening for some fun, so he replied, "Well, that certainly was a pretty rank case of yours and we weren't very favourably impressed either with you or the amount of money you sent. We are not in the law business for the good of our health, so you had better come through with some more money if you want such a case as that attended to." A few days later Nolan received a letter from the farmer pleading with him to carry on with the case. A cheque for a substantial amount accompanied the letter. At first Nolan could not make head or tail of the matter but he finally put two and two together, and waited his turn to even the score with Daly. He did not have long to wait. Shortly afterwards he was tackled by an angry homesteader in Leathbridge who asked him when in the name of all things holy he was going to get his

patent for his homestead. "Do you think," replied Nolan, "that we are running the Department of the Interior for the good of our health? If you want your patent you will have to dip down in your pocket and grease our paw. Get busy and send us something worth while and then we can consider your patent, but till then, there will be nothing moving." Properly humbled, the homesteader went his way. A few days later, Nolan received a telegram from Daly saying, "You had better cut it out; the Department is getting a bad name."

In 1907, Paddy Nolan was given the silk of the Alberta Government, being one of the first King's Counsel to be appointed in his Province. A few months later, when the University of Alberta was founded, he was appointed to the board of Senators.

With the birth of the Provinces of Alberta and Saskatchewan, a new impetus was given to the West. The new Provinces were launched upon a period of plenty Times were prosperous and litigation was active. The years of Alberta's infancy were surely boom years for the laywer. As sometimes happens under such conditions nerves were worn threadbare by pressure of work and friction of a mild sort arose between some of the members of the Calgary Bar.

Mr. Cliford T. Jones, K.C., became president of the Calgary Bar Association in 1911, and in his efforts to restore good feeling among the lawyers he decided to hold a banquet and see that sufficient drink was provided to drown all hostilities and ill-feelings. His plan worked wonderfully well. As was to have been expected, Paddy Nolan was at the banquet large as life. He and the Hon. William Legh Walsh (who capped a colourful career by resigning a seat on the Supreme Court of Alberta to serve as Lieutenant-Governor of his Province), then a stalwart of the Alberta Bar, had been engaged in many of the most strenuous cases. Before the evening was over they were

dancing round the table

dancing round the tables, their arms around each other, singing the old songs in the way that they should be sung, with more enthusiasm than tune, the best of friends. That was a banquet! When in reminiscent mood, the old-timers of the Calgary Bar still recall that evening. The wine bill alone was twelve hundred dollars. Friction between the lawyers of Calgary was laid to rest and its ghost has never since arisen.

Death came to Paddy Nolan in the summer of life, before the promise of his youth was full-blown. He died from an internal hemorrhage, on February 11, 1913, in his forty-ninth year.

He was survived by his widow (Mary Elizabeth Lee, a daughter of one of the earliest pioneers of the West, to whom he was married in 1892), and one son, Mr. H. G. Nolan, who is today a leading King's Counsel of the Alberta Bar.

He had played no small part in the up-building of the Western City which adopted him as a young man from Ireland. As the Calgary Herald said in paying him tribute: "It has been a privilege to this city and country to have given him his career. His life holds many lessons, not the least of which is that which tells us that a warm heart makes a warm fireside."

"Where are the snows of yesteryears?" asks Francois Villon. In truth, where are they. Is it that the lawyers of the past loom larger when we look at them through the glass of the years, that distance lends them enchantment, or have the lawyers of today become a race of smaller men?"

"Where are the Paddy Nolans of today?" we ask. And echo answers, "Where?"